

AMENDED IN SENATE JUNE 15, 2009

AMENDED IN ASSEMBLY APRIL 27, 2009

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 130**

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**Introduced by Assembly Member Jeffries**

January 20, 2009

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*An act to amend Section 509 of the Family Code, and to amend Sections 102230, 102231, 103525, 103525.5, 103526, 103526.5, and 103527 of the Health and Safety Code, relating to vital records.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 130, as amended, Jeffries. Vital records: marriage records.

(1) Existing law prescribes specified personal information to be included on birth, death, and marriage certificates. Under existing law, a certified copy of a birth or death record may only be supplied by the State Registrar, local registrar, or county recorder to an authorized person, as defined, who submits a statement sworn under penalty of perjury that the applicant is an authorized person. If an applicant for a birth or death record does not meet the requirements for an authorized person, the State Registrar, local registrar, or county recorder may only issue an informational certified copy of a birth or death record that contains a legend stating "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY."

Existing law also requires that each certified copy of a birth or death record contain specified information and be printed on sensitized paper with specified features.

Existing law also requires an applicant for a certified copy of a birth or death record to pay, in addition to other fees applicable to the receipt of a copy of a birth or death record from the State Registrar, local registrar, or county recorder a fee of \$1, to be used for the development of safety and security measures to protect against the fraudulent use of these records and defray the cost to local officials of any required security measures.

This bill would also make these provisions applicable to a request for a certified copy of a *nonconfidential* marriage record, and would make conforming changes. By changing the definition of the crime of perjury, and by imposing new duties on local officials, this bill would create a state-mandated local program.

*(2) Existing law permits a county clerk to issue a confidential marriage license if prescribed conditions are met. Under existing law, a confidential marriage license is a confidential record and is not open to public inspection without an order from the court. Existing law requires a county clerk to maintain confidential marriage certificates as permanent records that are not open to public inspection except upon order of the court. Existing law permits a party to a confidential marriage to obtain a certified copy of the confidential marriage certificate, as prescribed.*

*This bill would repeal the existing methods by which a party to a confidential marriage may obtain a certified copy of his or her confidential marriage certificate and would instead require that the above mentioned provisions relating to obtaining certified copies of birth and death records be applicable to a confidential marriage record, as specified. This bill would specify that an authorized person, for purposes of requests for certified copies of confidential marriage records, includes only a party to the confidential marriage. This bill would also prohibit the release of an informational certified copy of a confidential marriage record, as specified. By changing the definition of the crime of perjury, and by imposing new duties on local officials, this bill would create a state-mandated local program.*

*(2)*

(3) Existing law requires the State Registrar to appoint a Vital Records Protection Advisory Committee to study and make recommendations to protect individual privacy, inhibit identity theft, and prevent fraud involving birth and death certificates while providing needed access to the information contained in those records by persons seeking it for a legitimate purpose.

This bill would add marriage records to the list of vital records under the committee's consideration for study and recommendations, and would make other technical and conforming changes.

(3)

(4) Existing law requires the State Registrar to maintain comprehensive indices of registered certificates. Under existing law, comprehensive birth and death record indices, as prescribed, must be kept confidential and are exempt from disclosure under the California Public Records Act. *Existing law also requires the State Registrar to maintain separate noncomprehensive birth and death record indices for purposes of public release and for law enforcement and fraud prevention.* Existing law also prohibits specified uses of birth and death record files. Violation of these provisions is a misdemeanor.

This bill would apply these provisions to *both comprehensive and noncomprehensive nonconfidential* marriage indices. *The bill would require that the noncomprehensive nonconfidential marriage record indices for public release and for law enforcement and fraud prevention be comprised of the name of each party to the marriage and the date of marriage. This bill would prohibit the noncomprehensive nonconfidential marriage record indices for public release from containing the maiden names of the parties' mothers.* By changing the definition of a crime, and by imposing new duties on local officials, this bill would create a state-mandated local program.

(4)

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 509 of the Family Code is amended to  
2     read:

1 509. (a) A party to a confidential marriage may obtain a  
2 certified copy of the confidential marriage certificate from the  
3 county clerk of the county in which the certificate is filed ~~in any~~  
4 ~~of the following ways: by submitting an application that satisfies~~  
5 ~~the requirements of Chapter 14 (commencing with Section 103525)~~  
6 ~~of Part 1 of Division 102 of the Health and Safety Code.~~

7 ~~(1) By submitting the application for a certified copy of the~~  
8 ~~confidential marriage certificate provided to the parties pursuant~~  
9 ~~to Section 508.~~

10 ~~(2) By personally appearing before a notary public or at the~~  
11 ~~county clerk's office in the party's county of residence, producing~~  
12 ~~valid photo identification, obtaining a certificate attesting to the~~  
13 ~~party's identity from the notary public or county clerk, and mailing~~  
14 ~~or faxing that certificate, together with a request for the certified~~  
15 ~~copy of the confidential marriage certificate, to the county clerk~~  
16 ~~of the county with which the certificate is filed.~~

17 ~~(3) By personally appearing at the county clerk's office where~~  
18 ~~the certificate is filed and producing proper identification.~~

19 (b) Copies of a confidential marriage certificate may be issued  
20 to the parties to the marriage upon payment of the fee equivalent  
21 to that charged for copies of a marriage certificate.

22 **SECTION 1.**

23 **SEC. 2.** Section 102230 of the Health and Safety Code is  
24 amended to read:

25 102230. (a) (1) The State Registrar shall arrange and  
26 permanently preserve the certificates in a systematic manner and  
27 shall prepare and maintain comprehensive and continuous indices  
28 of all certificates registered.

29 (2) The birth, death, and marriage record indices prepared  
30 pursuant to paragraph (1) and all comprehensive birth, death, and  
31 marriage record indices prepared or maintained by local registrars  
32 and county recorders shall be kept confidential and shall be exempt  
33 from disclosure under the California Public Records Act (Chapter  
34 3.5 (commencing with Section 6250) of Division 7 of Title 1 of  
35 the Government Code).

36 (3) Notwithstanding paragraph (2), the State Registrar, at his  
37 or her discretion, may release comprehensive birth, death, and  
38 *nonconfidential* marriage record indices to ~~any~~ a government  
39 agency. Local registrars and county recorders, when requested,  
40 shall release their comprehensive birth, death, and marriage record

1 indices to the State Registrar. A government agency that obtains  
2 indices pursuant to this paragraph shall not sell or release the index  
3 or ~~any~~ a portion of its contents to ~~any other~~ *another* person except  
4 as necessary for official government business and shall not post  
5 the indices or any portion thereof on the Internet.

6 (b) (1) The State Registrar shall prepare and maintain separate  
7 noncomprehensive indices of all California birth ~~and death~~, *death*,  
8 *and nonconfidential marriage* records for public release.

9 (2) For purposes of this section, noncomprehensive birth record  
10 indices for public release shall be comprised of first, middle, and  
11 last name, sex, date of birth, and place of birth.

12 (3) For purposes of this section, noncomprehensive death record  
13 indices for public release shall be comprised of first, middle, and  
14 last name, sex, date of birth, place of birth, place of death, date of  
15 death, and father's last name.

16 (4) *For purposes of this section, noncomprehensive*  
17 *nonconfidential marriage record indices for public release shall*  
18 *be comprised of the name of each party to the marriage and the*  
19 *date of marriage.*

20 ~~(4) Requesters of the birth or death~~

21 (5) *Requesters of the birth, death, or nonconfidential marriage*  
22 *record indices prepared pursuant to this subdivision shall provide*  
23 *proof of identity, complete a form, and sign the form under penalty*  
24 *of perjury. The form shall include all of the following:*

25 (A) The proposed use of the birth ~~or death~~, *death*, or  
26 *nonconfidential marriage* record indices.

27 (B) A disclaimer crediting ~~any~~ analyses, interpretations, or  
28 conclusions reached regarding the birth ~~or death~~, *death*, or  
29 *nonconfidential marriage* record indices to the author and not to  
30 the State Department of Public Health.

31 (C) Assurance that technical descriptions of the birth ~~or death~~,  
32 *death*, or *nonconfidential marriage* record indices are consistent  
33 with those provided by the State Department of Public Health.

34 (D) Assurance that the requester shall not sell, assign, or  
35 otherwise transfer the birth ~~or death~~, *death*, or *nonconfidential*  
36 *marriage* record indices.

37 (E) Assurance that the requester shall not use the birth or death  
38 record indices for fraudulent purposes.

39 ~~(5) Birth and death~~

1     (6) *Birth, death, and nonconfidential marriage* record indices  
2     obtained pursuant to this subdivision, and any portion thereof,  
3     shall not be used for fraudulent purposes.

4     (c) (1) The State Registrar shall prepare and maintain separate  
5     noncomprehensive indices of all California birth~~and death~~, *death,*  
6     *and nonconfidential marriage* records for purposes of law  
7     enforcement or preventing fraud.

8     (2) For purposes of this section, noncomprehensive birth record  
9     indices for the purpose of preventing fraud shall be comprised of  
10    first, middle, and last name, sex, date of birth, place of birth, and  
11    mother's maiden name.

12    (3) For purposes of this section, noncomprehensive death record  
13    indices for the purpose of preventing fraud shall be comprised of  
14    first, middle, and last name, place of death, mother's maiden name,  
15    sex, social security number, date of birth, place of birth, date of  
16    death, and father's last name.

17    (4) *For purposes of this section, noncomprehensive*  
18    *nonconfidential marriage record indices for the purpose of*  
19    *preventing fraud shall be comprised of the name of each party to*  
20    *the marriage and the date of marriage.*

21    ~~(4) The birth and death~~

22    (5) *The birth, death, and nonconfidential marriage* record  
23    indices prepared pursuant to this subdivision shall be made  
24    available to financial institutions, as defined in Section 6827(4)(A)  
25    and (B) of Title 15 of the United States Code, its representatives  
26    or contractors, consumer credit reporting agencies, as defined in  
27    subdivision (d) of Section 1785.3 of the Civil Code, its  
28    representatives or contractors, those entities providing information  
29    services for purposes of law enforcement or preventing fraud,  
30    officers of the court for the sole purpose of verifying a death, and  
31    to persons or entities acting on behalf of law enforcement agencies  
32    or the court, or pursuant to a court order.

33    ~~(5) The birth and death~~

34    (6) *The birth, death, and nonconfidential marriage* record  
35    indices prepared pursuant to this subdivision may be released to  
36    any a government agency.

37    ~~(6) Requesters of the birth or death~~

38    (7) *Requesters of the birth, death, or nonconfidential marriage*  
39    record indices prepared pursuant to this subdivision shall provide

1 proof of identity, complete a form, and sign the form under penalty  
2 of perjury. The form shall include all of the following:

3 (A) An agreement not to release or allow public access to the  
4 ~~birth-or-death~~, *death, or nonconfidential marriage* record indices,  
5 and an agreement not to post the indices on the Internet, except as  
6 permitted by this subdivision.

7 (B) The proposed use of the ~~birth-or-death~~, *death, or*  
8 *nonconfidential marriage* record indices.

9 (C) The names of all persons within the organization, if  
10 applicable, who will have access to the ~~birth-or-death~~, *death, or*  
11 *nonconfidential marriage* record indices.

12 (D) A disclaimer crediting ~~any~~ analyses, interpretations, or  
13 conclusions reached regarding the ~~birth-or-death~~, *death, or*  
14 *nonconfidential marriage* record indices to the author and not to  
15 the State Department of Public Health.

16 (E) Assurance that technical descriptions of the ~~birth-or-death~~,  
17 *death, or nonconfidential marriage* record indices are consistent  
18 with those provided by the State Department of Public Health.

19 (F) Assurance that the requester shall not sell, assign, or  
20 otherwise transfer the ~~birth-or-death~~, *death, or nonconfidential*  
21 *marriage* record indices, except as permitted by this subdivision.

22 (G) Assurance that the requester shall not use the ~~birth-or-death~~,  
23 *death, or nonconfidential marriage* record indices for fraudulent  
24 purposes.

25 ~~(7) (A) Birth and death~~

26 (8) (A) *Birth, death, and nonconfidential marriage* record  
27 indices, and any portion thereof, obtained pursuant to this section,  
28 shall not be used for fraudulent purposes and shall not be posted  
29 on the Internet.

30 (B) Notwithstanding subparagraph (A), individual information  
31 contained in ~~birth-and-death~~, *death, and nonconfidential marriage*  
32 record indices may be posted on the Internet if all of the following  
33 requirements are met:

34 (i) The individual information is posted on an Internet Web site  
35 that is protected by a password.

36 (ii) The individual information is posted on an Internet Web  
37 site that is available to subscribers only for a fee.

38 (iii) The individual information is not posted for public display.

39 (iv) The individual information is available to subscribers  
40 pursuant to a contractual agreement.

(v) The individual information is posted for purposes of law enforcement or preventing fraud.

(d) Mail-in requests from nongovernmental agencies for birth ~~and death~~, *death, and nonconfidential marriage* record indices requested pursuant to subdivisions (b) and (c) shall include a notarized statement attesting to the identity of the requester.

(e) Noncomprehensive birth ~~and death~~, *death, and nonconfidential marriage* record indices pursuant to subdivisions (b) and (c) shall be updated annually.

(f) ~~All birth and death~~ *Birth, death, and nonconfidential marriage* record indices provided pursuant to this section shall be made available subject to cost recovery provisions of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(g) ~~Any noncomprehensive~~ *Noncomprehensive* birth, death, and *nonconfidential* marriage record indices created by local registrars or county recorders shall be subject to the conditions for release required by this section.

(h) A person or entity that obtains a birth ~~or death~~, *death, or nonconfidential marriage* record index, or any portion thereof, from a requester who has obtained the index in accordance with paragraph ~~(6)~~ (7) of subdivision (c) ~~may~~ *shall not* not sell, assign, or otherwise transfer that index, or any portion thereof, to ~~any~~ *a* third party.

(i) Paragraphs (2) and (3) of subdivision (a) and subdivisions (b) to (h), inclusive, shall be implemented only to the extent that funds for these purposes are appropriated by the Legislature in the annual Budget Act or other statute.

~~SEC. 2.~~

*SEC. 3.* Section 102231 of the Health and Safety Code is amended to read:

102231. (a) Notwithstanding any other law, birth data files, birth data files for public release, death data files for public release, death data files for purposes of law enforcement or preventing fraud, and *nonconfidential* marriage data files prepared and maintained by the State Registrar, local registrars, and county recorders shall only be released as follows:

(1) Birth data files containing personal identifiers shall be subject to the same restrictions as the confidential portion of a



1 birth certificate and shall only be released under the terms and  
2 conditions specified in Section 102430.

3 (2) Birth data files for public release shall not contain the  
4 mothers' maiden name.

5 (3) Death data files for public release shall not contain the  
6 mothers' maiden name and social security number. ~~Marriage data~~  
7 ~~files for public release shall not contain the mothers' maiden~~  
8 ~~names.~~

9 (4) Death data files for purposes of law enforcement or  
10 preventing fraud shall include the mother's maiden name and social  
11 security number. ~~Marriage data files for the purposes of law~~  
12 ~~enforcement or preventing fraud shall include the mothers' maiden~~  
13 ~~names.~~ *Death* data files prepared pursuant to  
14 this subdivision may be released to governmental agencies and to  
15 those entities described in paragraph ~~(4)~~ (5) of subdivision (c) of  
16 Section 102230.

17 (5) Death data files containing personal identifying information  
18 may be released to persons expressing a valid scientific interest,  
19 as determined by the appropriate committee constituted for the  
20 protection of human subjects that is approved by the United States  
21 Department of Health and Human Services and has a general  
22 assurance pursuant to Part 46 (commencing with Section 46.101)  
23 of Title 45 of the Code of Federal Regulations.

24 (6) *Nonconfidential marriage data files shall include the name*  
25 *of each party to the marriage and the date of the marriage.*  
26 *Nonconfidential marriage data files for public release shall not*  
27 *contain the maiden names of the mothers.*

28 (b) Requesters of birth, death, and *nonconfidential* marriage  
29 data files pursuant to this section shall provide proof of identity,  
30 complete a form, and sign the form under penalty of perjury. The  
31 form shall include all of the following:

32 (1) An agreement not to release the birth, death, or marriage  
33 data files and not to post the files on the Internet, except as  
34 permitted by this subdivision.

35 (2) An agreement not to provide public access to data files  
36 obtained pursuant to paragraphs (1) and (4) of subdivision (a).

37 (3) The proposed use of the data file.

38 (4) For data files obtained pursuant to paragraphs (1) and (4)  
39 of subdivision (a), the names of all persons within the organization,  
40 if applicable, who will have access to the data files.

1 (5) A disclaimer that credits~~any~~ analyses, interpretations, or  
2 conclusions reached regarding the birth or death data files to the  
3 author and not to the State Department of Public Health.

4 (6) Assurance that technical descriptions of the data files are  
5 consistent with those provided by the State Department of Public  
6 Health.

7 (7) Assurance that the requester shall not sell, assign, or  
8 otherwise transfer the data files, except as permitted by subdivision  
9 (e).

10 (8) Assurance that the requester shall not use the data files for  
11 fraudulent purposes.

12 (c) Mail-in requests for birth, death, and *nonconfidential*  
13 marriage data files pursuant to this section shall include a notarized  
14 statement attesting to the identity of the requester.

15 (d) Birth, death, and *nonconfidential* marriage data files provided  
16 pursuant to this section shall be made available subject to cost  
17 recovery provisions of the California Public Records Act (Chapter  
18 3.5 (commencing with Section 6250) of Division 7 of Title 1 of  
19 the Government Code).

20 (e) (1) Birth, death, and *nonconfidential* marriage data files,  
21 and any portion thereof, obtained pursuant to this section, shall  
22 not be used for fraudulent purposes and shall not be posted on the  
23 Internet.

24 (2) Notwithstanding paragraph (1), individual information  
25 contained in death data files obtained pursuant to paragraph (4) of  
26 subdivision (a) may be posted on the Internet if all of the following  
27 requirements are met:

28 (A) The information is posted on an Internet Web site that is  
29 protected by a password.

30 (B) The information is posted on an Internet Web site that is  
31 available to subscribers only for a fee.

32 (C) The information is not posted for public display.

33 (D) The information is available to subscribers pursuant to a  
34 contractual agreement.

35 (E) The information is posted for purposes of law enforcement  
36 or preventing fraud.

37 (f) A person or entity that obtains a birth, death, or  
38 *nonconfidential* marriage data file, or any portion thereof, from a  
39 requester who has obtained the data file in accordance with

1 subdivision (b) ~~may~~ *shall* not sell, assign, or otherwise transfer  
2 that data file, or any portion thereof, to ~~any~~ *a* third party.

3 (g) This section shall be implemented only to the extent that  
4 funds for these purposes are appropriated by the Legislature in the  
5 annual Budget Act or other statute.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 103525 of the Health and Safety Code is  
8 amended to read:

9 103525. (a) The State Registrar, local registrar, or county  
10 recorder shall, upon request and payment of the required fee, supply  
11 to ~~any~~ *an* applicant a certified copy of the record of ~~any~~ *a* birth,  
12 fetal death, death, marriage, or marriage dissolution registered  
13 with the official.

14 When the original forms of certificates of live birth furnished  
15 by the State Registrar contain a printed section at the bottom  
16 containing medical and social data or labeled "Confidential  
17 Information for Public Health Use Only," that section shall not be  
18 reproduced in a certified copy of the record except as specifically  
19 authorized in Section 102430.

20 (b) Notwithstanding subdivision (a) or any other law, the State  
21 Registrar, local registrar, or county recorder shall provide certified  
22 copies of birth, death, and marriage records only as authorized  
23 under Section 103526 or 103526.5.

24 ~~SEC. 4.~~

25 *SEC. 5.* Section 103525.5 of the Health and Safety Code is  
26 amended to read:

27 103525.5. (a) (1) Until January 1, 2006, in addition to the  
28 fees prescribed by Sections 103625 and 103626, an applicant for  
29 a certified copy of a birth or death record shall pay an additional  
30 fee of two dollars (\$2). Commencing January 1, 2006, this fee  
31 shall be reduced to one dollar (\$1).

32 (2) Commencing January 1, 2010, in addition to the fees  
33 prescribed by Sections 103625 and 103626, an applicant for a  
34 certified copy of a marriage record shall pay an additional fee of  
35 one dollar (\$1).

36 (b) Until January 1, 2006, each local registrar or county recorder  
37 collecting the fee pursuant to this section shall transmit one dollar  
38 and sixty-five cents (\$1.65) of the fee to the State Registrar by the  
39 10th day of the month following the month in which the fee was  
40 received. Commencing January 1, 2006, each local registrar or

1 county recorder collecting the fee pursuant to this section shall  
2 transmit sixty-five cents (\$.65) of the fee to the State Registrar by  
3 the 10th day of the month in which the fee was received. These  
4 funds, and fees collected by the State Registrar pursuant to this  
5 section, shall be used by the State Registrar, upon appropriation  
6 by the Legislature, to develop safety and security measures to  
7 protect against fraudulent use of birth, death, and marriage records,  
8 including, but not limited to, computerizing records, redacting and  
9 removing signatures as required by law, and electronically  
10 distributing redacted records to local registrars and county recorders  
11 for their use in complying with Sections 103526 and 103526.5.

12 (c) Thirty-five cents (\$0.35) of the fee specified in subdivision  
13 (a) shall be retained by the public official charged with the  
14 collection of the fee to defray the costs of the additional security  
15 features required by Sections 103526 and 103526.5.

16 (d) The entire amount of the fee collected pursuant to  
17 subdivision (a) by the State Registrar shall be retained and used  
18 by the State Registrar, upon appropriation by the Legislature, for  
19 the purpose specified in subdivision (b). The entire amount of the  
20 fee collected by the local registrar or county recorder pursuant to  
21 subdivision (c) shall be retained and used by that official for the  
22 purpose specified in subdivision (c).

23 ~~SEC. 5.~~

24 *SEC. 6.* Section 103526 of the Health and Safety Code is  
25 amended to read:

26 103526. (a) If the State Registrar, local registrar, or county  
27 recorder receives a written or faxed request for a certified copy of  
28 a birth, death, or marriage record pursuant to Section 103525, or  
29 a military service record pursuant to Section 6107 of the  
30 Government Code, that is accompanied by a notarized statement  
31 sworn under penalty of perjury, or a faxed copy of a notarized  
32 statement sworn under penalty of perjury, that the requester is an  
33 authorized person, as defined in this section, that official may  
34 furnish a certified copy to the applicant in accordance with Section  
35 103525 and in accordance with Section 6107 of the Government  
36 Code. If a written request for a certified copy of a military service  
37 record is submitted to a county recorder by fax, the county recorder  
38 may furnish a certified copy of the military record to the applicant  
39 in accordance with Section 103525. A faxed notary  
40 acknowledgment accompanying a faxed request received pursuant

to this subdivision for a certified copy of a birth, death, or marriage record or a military service record shall be legible and, if the notary's seal is not photographically reproducible, show the name of the notary, the county of the notary's principal place of business, the notary's telephone number, the notary's registration number, and the notary's commission expiration date typed or printed in a manner that is photographically reproducible below, or immediately adjacent to, the notary's signature in the acknowledgment. If a request for a certified copy of a birth, death, or marriage record is made in person, the official shall take a statement sworn under penalty of perjury that the requester is signing his or her own legal name and is an authorized person, and that official may then furnish a certified copy to the applicant.

~~(b) In all other circumstances~~ (1) *If the person requesting a certified copy of a birth, death, or nonconfidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the certified copy provided to the applicant shall be an informational certified copy and shall display a legend that states "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." The legend shall be placed on the certificate in a manner that will not conceal information.*

(2) *If the person requesting a certified copy of a confidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the official shall not release a certified copy of the confidential marriage record unless otherwise authorized by law.*

(c) For purposes of this section, an "authorized person" ~~is any of the following:~~ means:

(1) *For purposes of requests for certified copies of confidential marriage records, only a party to the confidential marriage.*

(2) *For purposes of requests for certified copies of birth, death, or nonconfidential marriage records, a person who is any of the following:*

~~(1)~~

(A) The registrant or a parent or legal guardian of the registrant.

~~(2)~~

(B) A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the

1 birth record in order to comply with the requirements of Section  
2 3140 or 7603 of the Family Code.

3 ~~(3)~~

4 (C) A member of a law enforcement agency or a representative  
5 of another governmental agency, as provided by law, who is  
6 conducting official business.

7 ~~(4)~~

8 (D) A child, grandparent, grandchild, sibling, spouse, or  
9 domestic partner of the registrant.

10 ~~(5)~~

11 (E) An attorney representing the registrant or the registrant's  
12 estate, or any person or agency empowered by statute or appointed  
13 by a court to act on behalf of the registrant or the registrant's estate.

14 ~~(6) Any~~

15 (F) An agent or employee of a funeral establishment who acts  
16 within the course and scope of his or her employment and who  
17 orders certified copies of a death certificate on behalf of any  
18 individual specified in paragraphs (1) to (5), inclusive, of  
19 subdivision (a) of Section 7100.

20 (d) ~~Any~~ A person who asks the agent or employee of a funeral  
21 establishment to request a death certificate on his or her behalf  
22 warrants the truthfulness of his or her relationship to the decedent,  
23 and is personally liable for all damages occasioned by, or resulting  
24 from, a breach of that warranty.

25 (e) Notwithstanding any other law:

26 (1) ~~Any~~ A member of a law enforcement agency or a  
27 representative of a state or local government agency, as provided  
28 by law, who orders a copy of a record to which subdivision (a)  
29 applies in conducting official business ~~may~~ shall not be required  
30 to provide the notarized statement required by subdivision (a).

31 (2) An agent or employee of a funeral establishment who acts  
32 within the course and scope of his or her employment and who  
33 orders death certificates on behalf of individuals specified in  
34 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100  
35 shall not be required to provide the notarized statement required  
36 by subdivision (a).

37 (f) Informational certified copies of birth and death certificates  
38 issued pursuant to subdivision (b) shall only be printed from the  
39 single statewide database prepared by the State Registrar and shall  
40 be electronically redacted to remove any signatures for purposes

1 of compliance with this section. Local registrars and county  
2 recorders shall not issue informational certified copies of birth and  
3 death certificates from ~~any~~ a source other than the statewide  
4 database prepared by the State Registrar. This subdivision shall  
5 become operative on July 1, 2007, but only after the statewide  
6 database becomes operational and the full calendar year of the  
7 birth and death indices and images is entered into the statewide  
8 database and is available for the respective year of the birth or  
9 death certificate for which an informational copy is requested. The  
10 State Registrar shall provide written notification to local registrars  
11 and county recorders as soon as a year becomes available for  
12 issuance from the statewide database.

13 ~~SEC. 6.~~

14 *SEC. 7.* Section 103526.5 of the Health and Safety Code is  
15 amended to read:

16 103526.5. (a) Each certified copy of a birth, death, or marriage  
17 record issued pursuant to Section 103525 shall include the date  
18 issued, the name of the issuing officer, the signature of the issuing  
19 officer, whether that is the State Registrar, local registrar, county  
20 recorder, or county clerk, or an authorized facsimile thereof, and  
21 the seal of the issuing office.

22 (b) All certified copies of birth, death, and marriage records  
23 issued pursuant to Section 103525 shall be printed on chemically  
24 sensitized security paper that measures 8½ inches by 11 inches  
25 and that has the following features:

- 26 (A) Intaglio print.
- 27 (B) Latent image.
- 28 (C) Fluorescent, consecutive numbering with matching barcode.
- 29 (D) Microprint line.
- 30 (E) Prismatic printing.
- 31 (F) Watermark.
- 32 (G) Void pantograph.
- 33 (H) Fluorescent security threads.
- 34 (I) Fluorescent fibers.
- 35 (J) Any other security features deemed necessary by the State  
36 Registrar.

37 (c) The State Registrar, local registrars, county recorders, and  
38 county clerks shall take precautions to ensure that uniform and  
39 consistent standards are used statewide to safeguard the security

1 paper described in subdivision (b), including, but not limited to,  
2 the following measures:

3 (1) Security paper shall be maintained under secure conditions  
4 so as not to be accessible to the public.

5 (2) A log shall be kept of all visitors allowed in the area where  
6 security paper is stored.

7 (3) All spoilage shall be accounted for and subsequently  
8 destroyed by shredding on the premises.

9 ~~SEC. 7.~~

10 ~~SEC. 8.~~ Section 103527 of the Health and Safety Code is  
11 amended to read:

12 103527. (a) The State Registrar shall appoint a Vital Records  
13 Protection Advisory Committee to study and make  
14 recommendations to protect individual privacy, inhibit identity  
15 theft, and prevent fraud involving birth, death, and marriage  
16 certificates while providing needed access to birth, death, and  
17 marriage record information to those seeking it for legitimate  
18 purposes. The committee shall have the following duties:

19 (1) Review and make recommendations as to the adequacy of  
20 procedures to safeguard individual privacy and prevent fraud,  
21 while ensuring appropriate access to birth, death, and marriage  
22 records.

23 (2) Make recommendations to the State Registrar as to items  
24 that should be redacted from informational certified copies of birth,  
25 death, and *nonconfidential* marriage certificates issued pursuant  
26 to Section 103526.

27 (3) Make recommendations to the State Registrar regarding  
28 fraud prevention measures concerning vital records.

29 (b) The committee shall include representatives from private  
30 and governmental entities that use vital records as identity or legal  
31 documents, consumers, law enforcement officials, genealogists,  
32 and organizations that research vital records for legal or social  
33 purposes. The State Registrar shall make every effort to ensure  
34 that committee membership also represents the community at large.

35 (c) (1) Except as provided in paragraph (2), membership on  
36 the committee shall be for a term of three years.

37 (2) Appointments shall be made on a staggered basis to allow  
38 for a change of one-third of the membership on an annual basis.  
39 One-third of the initial committee membership shall be appointed



1 to one-year terms, and one-third of the initial committee  
2 membership shall be appointed to two-year terms.

3 ~~SEC. 8.~~

4 *SEC. 9.* No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution for certain  
6 costs that may be incurred by a local agency or school district  
7 because, in that regard, this act creates a new crime or infraction,  
8 eliminates a crime or infraction, or changes the penalty for a crime  
9 or infraction, within the meaning of Section 17556 of the  
10 Government Code, or changes the definition of a crime within the  
11 meaning of Section 6 of Article XIII B of the California  
12 Constitution.

13 However, if the Commission on State Mandates determines that  
14 this act contains other costs mandated by the state, reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.